



City Council Agenda

Council President
Ken Steitz

Councilmembers

Tom Boyajian
Garry Bredefeld
Chris Mathys, Acting Council President

Henry Perea
Sal Quintero
Daniel Ronquillo

City Manager
Jeffrey M. Reid

City Clerk
Rebecca E. Klisch

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, OCTOBER 19, 1999

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON (www.ci.fresno.ca.us). THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.

8:30 A.M. Swearing-in Ceremony of City of Fresno Fire Fighters

10:00 A.M. COUNCIL ROLL CALL

Invocation by Reverend Sam Freshwater of Bethany Church

Pledge of Allegiance to the Flag

Proclamation of "RANDOM ACTS OF KINDNESS WEEK" - Councilmember Quintero

Presentation of Resolutions of Commendation by the Fresno Fire Department to Mr. Alex Smith, Mr. Tim Geddert

and Ms. Jessica Shimizu

Presentation of Resolution of Commendation to St. Benedict Catholic Worker - Acting President Mathys

COUNCIL ACTION OF UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON. THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve minutes of October 5, 1999

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

10:00 A.M. HEARING to consider Plan Amendment No. A-99-14 and Rezoning Application No. R-99-23, filed by McCaffrey Development Company, for 8.38 acres located on the northeast side of W. Spruce Avenue about 500 feet north of W. Herndon Avenue

Action Taken:

a. Consider Negative Declaration E.A. No. A-99-14, R-99-23 and C-99-95

Action Taken:

b. **RESOLUTION** - Amending the Bullard Community Plan

(Planning Commission recommendation)

Action Taken:

c. **RESOLUTION** - Denying amendment to the Bullard Community Plan

(Staff recommendation)

Action Taken:

d. **BILL** - Amending the Official Zone Map from the CP/EA/UGM/cz to the C-M/EA/UGM/cz zone district

Action Taken:

10:30 A.M. HEARING to consider adoption of a resolution approving the formation of Underground Utility District (UUD) No. 76, property located at Peach Avenue between McKinley Avenue and Freeway 180

Action Taken:

a. **RESOLUTION** - Establishing Underground Utility District (UUD) No. FRE-76

Action Taken:

11:00 A.M.#1 HEARING to consider an appeal of Conditional Use Permit No. C-99-78, filed by Pacific

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

Bell Wireless, requesting authorization to install a 70-foot high monopole with attached antennas on property located at 3030 N. Blackstone Avenue - Councilmember Perea
(Continue to 5:00 p.m.)

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

11:00 A.M.#2 HEARING regarding Text Amendment No. TA-99-04 relating to development standards, “Family, restaurant, game and entertainment center” (Continue to 10/26/99 @ 10:00 a.m.)

2:00 P.M.#1 **DISCUSSION OF CONTESTED CONSENT ITEMS (IF ANY)**

2:00 P.M.#2 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Robert Guerrero v. City of Fresno
2. **Case Name:** Jeanetta Woodward v. City of Fresno
3. **Case Name:** Betty Lorraine Wons, by and through her g.a.l. Lorene Brewer v. City of Fresno
4. **Case Name:** Stuart Riba v. City of Fresno
5. **Case Name:** Mildred Cooper v. City of Fresno

Action Taken:

2:00 P.M.#2 **JOINT CLOSED SESSION OF THE REDEVELOPMENT AGENCY**

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. **Case Name:** County of Fresno v. City of Fresno

Action Taken:

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Redevelopment Agency of the City of Fresno v. Morris, Graves, Farsakh, et al. (*Agency action*)
2. **Case Name:** Sparks v. Fresno Redevelopment Agency, et al. (*Council and Agency action*)

Action Taken:

3:30 P.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of September 28, 1999

Action Taken:

AGENCY GENERAL CONSENT CALENDAR

A. Consider the award of a contract for removal of asbestos containing materials from various buildings at 143, 145, 151, 153, 155, and 167, N. Thesta Street (*Agency action*)

***ITEMS SUBJECT TO MAYOR’S VETO OR RECONSIDERATION**

Action Taken:

- B. Consider the award of a contract for demolition of various buildings at 143, 145, 151, 153, 155, and 167, N. Thesta Street (***Agency action***)

Action Taken:

3:30 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

AGENCY GENERAL ADMINISTRATION

- C. Consider approval of an Owner Participation Agreement (OPA) between the Fresno Redevelopment Agency and the Foundry Park Investors, L.P. for the Foundry Park Project located at the northwest corner of South East Avenue and Golden State Boulevard in the South Van Ness Industrial Redevelopment Plan Area (***Council Agency action***)

Action Taken:

1. **RESOLUTION** - Approving an Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Fresno and Foundry Park Investors, L.P., and making certain findings (***Council and Agency action***)

Action Taken:

- D. Consider approving a proposed negotiating and procedural outline ("Exclusive Developer Negotiations" with Gunner & Andros Investments) for developing Subarea 1 of Ventura/Freeway 41 Study Area (***Agency action***)

Action Taken:

- E. Consider authorizing the Executive Director of the Redevelopment Agency or his designee to negotiate and execute a consulting agreement with Land Use Associates to update the five-year implementation plans for the Merger No. 1 and Merger No. 2 Projects, and for the Fresno Air Terminal Redevelopment Project (***Agency action***)

Action Taken:

- F. Consider the Green Family proposal and provide direction to staff in regard to proposed acquisition and development of a replacement site at 4138 W. Dakota Avenue for Green's Bark and Humus - Acting President Mathys (***Council and/or Agency action***)

Action Taken:

- G. Update and explanation on Roeding Business Park relating to the recent Court decision regarding eminent domain and the impact it will have on the Roeding Business Park and the other redevelopment projects in the City - Councilmember Quintero (***Council and Agency action***)

Action Taken:

- H. Consider initiation of amendments to the Roeding Business Park Redevelopment Plan - Councilmember Ronquillo

1. **RESOLUTION** - Initiating the plan amendment process regarding the use of eminent domain and assessment districts in the Roeding Business Park Redevelopment Project Area (***Council action***)

Action Taken:

ADJOURN AGENCY

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

- 4:00 P.M.** Direct City Attorney to determine the feasibility of establishing an ordinance that would require all mobile home parks in the City of Fresno to provide recycling service - Acting President Mathys
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

- 4:30 P.M.** Approve funding proposal for North Avenue Transportation Improvement Project between State Route 41 and State Route 99 - Councilmember Ronquillo
Action Taken:
- 5:00 P.M.** **CONTINUED HEARING** to consider an appeal of Conditional Use Permit No. C-99-78, filed by Pacific Bell Wireless, requesting authorization to install a 70-foot high monopole with attached antennas on property located at 3030 N. Blackstone Avenue - Councilmember Perea
Action Taken:
- 5:45 P.M.** **CONTINUED HEARING** to consider Plan Amendment Application No. A-99-09 and Rezoning Application No. R-99-18, filed by of Central Pacific Builders, Inc., on behalf of Don Aluisi, et al., and the City of Fresno on behalf of the Clovis Unified School District and Fresno Metropolitan Flood Control District, for 109± acres of real property located to the northwest of the intersection of N. Maple and E. International Avenues (*Request to continue to 10/26/99 at 5:45 p.m.*)
Action Taken:
1. Consider Mitigated Negative Declaration E.A. No. A-99-09, R-99-18, TT-4884, C-98-263
Action Taken:
 2. **RESOLUTION** - Amending the 1989 Woodward Park Community Plan and the 1984 Fresno General Plan (*Planning Commission recommendation*)
Action Taken:
 3. **BILL**- Amending the Official Zone Map from AL-20 to R-1/UGM (*Planning Commission Recommendation*)
Action Taken:

1A.

GENERAL CONSENT CALENDAR

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)

1. Approve agreement with the Taylor Group for Architectural Services to perform a feasibility study and comparative cost analysis for the remodel and expansion of the Convention Center Facilities (*Contingent upon City Attorney approval*)
Action Taken:
 - a. * **RESOLUTION** - 21st amendment to AAR No. 99-181 appropriating \$43,000 for a feasibility study to improve Convention Center facilities (*Requires 5 affirmative votes*)

***ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

Action Taken:

2. Award a contract for installation of a concrete ramp in the ponding basin at El Capitan and Alamos Avenues

Action Taken:

1A. GENERAL CONSENT CALENDAR CONTINUED

3. Approve agreement with Kelling, Northcross & Nobriga, Inc. for financial advisory services

Action Taken:

4. **RESOLUTION** - Approving Final Map of Tract No. 4833 and accepting dedicated public uses therein. A 119-lot single-family residential planned development subdivision located at the southwest corner of N. Chestnut and Behymer Avenues east of the Enterprise Canal

Action Taken:

- a. * **RESOLUTION** - 6th amendment to AAR No. 99-181 appropriating \$144,500 for right-of-way acquisition purposes on Tract No. 4833 (***Requires 5 affirmative votes***)

Action Taken:

- b. **RESOLUTION** - Certifying that provisions have been made for segregation of the existing assessment to each of the new parcels being created by Tract No. 4833

Action Taken:

5. **RESOLUTION** - Approving the application for a Household Hazardous Waste Grant - Eighth Cycle from the California Integrated Waste Management Board (CIWMB) to fund the expansion of the current household hazardous waste education and outreach programs to promote the proper management of leftover paint and paint solvent materials and to establish a Paint Exchange Program for the City of Fresno

Action Taken:

6. **RESOLUTION** - Dedicating certain City-owned property as an easement for public pedestrian walkway purposes, property located on the northeast corner of Chestnut and Behymer Avenues

Action Taken:

7. Approve acquisition of property from the Fresno Metropolitan Flood Control District for development of Water Well Pump Station No. 307, property located south of Shaw Avenue between Brawley and Valentine Avenues (APN 424-020-97T)

Action Taken:

8. Approve Lease Amendment for Fresno County Narcotics Enforcement Team

Action Taken:

9. * **RESOLUTION** - 365th amendment to MFS Resolution No. 80-420 to modify business tax rates

Action Taken:

1B. CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS

1. * **BILL** - Repealing Subsections (a) and (b), and amending Subsections (c) of Section 5-109 and adding Section 5-208 to the Fresno Municipal Code relating to business licenses

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

Action Taken:

2. **BILL** - Consider Text Amendment No. TA-99-04 to the text of the Fresno Municipal Code and related environmental findings, related to modifying the development criteria for a family restaurant, game, and entertainment center, and adding the use to the C-4 (Central Trading) District, subject to a conditional use permit (*Hearing for adoption of ordinance scheduled for 10/26/99 @ 10:00 a.m.*)

Action Taken:

1B. **CONSENT CALENDAR - BILL FOR INTRODUCTION CONTINUED - PINK TABS**

3. * **BILL** - Amending Fresno Municipal Code Section 2-1203 relating to fiscal administration, revising procedure for presentation and processing of claims for money or damages (including claims relating to contracts), pending litigation, and workers' compensation claims, and making housekeeping amendments and formalizing administrative practice

Action Taken:

2. **PLANNING AND ZONING ADMINISTRATION**

- A. **WORKSHOP** relating to California Environmental Quality Act (CEQA) guidelines and City of Fresno implementation

Action Taken:

3. **GENERAL ADMINISTRATION**

- A. * **BILL NO. B-64 (Intro. 10/5/99)** - Relating to the issuance of one-time retail licenses for the sale of safe and sane fireworks for the period between December 26, 1999 and January 1, 2000

Action Taken:

- B. * **RESOLUTION** - 40th amendment to AAR No. 99-181 appropriating \$443,000 for the purpose of funding three new positions and a business license study for the purpose of carrying out the direction of the Economic Recovery Plan plus funding a neighborhood project bounded by Belmont, Freeway 180, "H" and Palm Avenues (*Requires 5 affirmative votes*)

Action Taken:

1. * **RESOLUTION** - 3rd amendment to PAR No. 99-182 adding three positions, for the purpose of carrying out the direction of the Economic Recovery Plan

Action Taken:

2. Approve agreement with Burr Consulting to study Fresno employment migration patterns, industry growth in comparison to other cities, tax contributions by industry, job creation strategies, and alternative business tax rate models (*Contingent upon City Attorney approval*)

Action Taken:

4. **CITY ATTORNEY**

5. **CITY COUNCIL**

- A. Approve appointment of Susan Bechara to Commission on the Status of Women - Council President Steitz (*for adoption*)

Action Taken:

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

- B. * **RESOLUTION** - 39th amendment to AAR No. 99-181 appropriating \$5,000 of District 5's general fund infrastructure budget to fund the non-infrastructure related paint-a-thon project (***Requires 5 affirmative votes***) - Councilmember Quintero
Action Taken:
- C. * **RESOLUTION** - 38th amendment to AAR No. 99-181 appropriating \$200 of District 2's general fund infrastructure budget to fund the Senior Citizen's Village (***Requires 5 affirmative votes***) - Acting President Mathys
Action Taken:

5. **CITY COUNCIL ITEMS CONTINUED**

- D. * **RESOLUTION** - 37th amendment to AAR No. 99-181 appropriating \$10,000 of District 2's general fund infrastructure budget to fund inspection fees for the handicap ramp and maintenance of the dog park located on El Capital and Alamos (***Requires 5 affirmative votes***) - Acting President Mathys
Action Taken:
- E. Development and City Attorney response to Council regarding request to initiate a plan amendment effectively reversing the approval of Plan Amendment No. A-95-11 and restoring the restriction against further development (approval of development entitlements such as a subdivision map, rezone, plan amendment, or special permit) within the 1989 Woodward Park Urban Reserve, pending completion of the 2020 General Plan Update - Councilmember Perea
Action Taken:
- F. Direct City Attorney to create an ordinance to require all companies that have vending machines on public right-of-ways to apply for and obtain a conditional use permit, (i.e. newspaper and information racks, vending machines, etc.) To be available for introduction and discussion at the Council meeting of 10/26/99 - Councilmember Quintero
Action Taken:
- G. Direct City Manager or designee to install undulations in 5200 block of Lowe Avenue in front of Ayer Elementary School. Does not meet the petition process, therefore does not meet warrants - Councilmember Quintero
Action Taken:
- H. Council action regarding rehabilitation of old Santa Fe Depot - Council President Steitz
Action Taken:
- I. Direct City Attorney to prepare emergency ordinance amending the Fresno Municipal Code relating to establishing campaign contribution limits for candidates for elected office in the amount of \$1,000 from individuals, \$2,500 from political committees, and \$5,000 from broad based political action committees - Councilmember Bredefeld
Action Taken:
- J. Direct staff to establish policy and criteria by which the Council will evaluate requests by new and expanding businesses for City financial assistance - Councilmember Perea
Action Taken:
- K. Establish policy requiring residential/commercial developers to conduct a City/Cal Trans approved traffic study to determine the cumulative full build-out affect of proposed project and to pay their fair share of cost related to the affected transportation corridors - Councilmember Perea

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

Action Taken:

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Oct. 26 - 9:00 A.M.** Presentation of PRIDE Team Certificates
(*Reception immediately following - 2nd floor foyer*)
- Oct. 26 - 10:00 A.M.** **CONTINUED HEARING** to consider adoption of the ordinance re: to TA-99-04 - development standards, “family, restaurant, game and entertainment center”
- Oct. 26 - 10:30 A.M.** **HEARING** on appeal of decision by Historic Preservation Commission re: proposed flagpole monument, Fresno Veterans Memorial Auditorium
- Oct. 26 - 11:00 A.M.** **CONTINUED HEARING** re: P.A. No. A-99-10, Rezone Appl. No. R-99-15, filed by Brian Davies on behalf of Highland Enterprises
- Oct. 26 - 5:45 P.M.** **CONTINUED HEARING** to consider Plan Amendment Application No. A-99-09 and Rezoning Application No. R-99-18, filed by of Central Pacific Builders, Inc.
- Nov. 2 - 10:00 A.M.** Presentation of Employee Service Awards
(*Reception immediately following - 2nd floor foyer*)
- Nov. 2 - 11:00 A.M.** **HEARING** re: P.A. No. 99-020, Rezone Appl. No. R-99-030 and CUP No. C-99-131, filed by Dirk Porsche Land Development Services
- Nov. 2 - 9:30 A.M.** **HEARING** re: Rezone Appl. No. R-99-33, filed by Prestige Care, Inc.
- Nov. 9 - 11:00 A.M.** **HEARING** re: P.A. No. A-99-17, Rezone Appl. No. R-99-26, filed by Cambridge Homes
- Nov. 16 - 9:00 A.M.** Presentation by the Police Department of Latent Awards
- Nov. 16 - 10:00 A.M.** **HEARING** re: Rezone Appl. No. R-99-29, filed by Bob Shockley
- Nov. 23 - NO MEETING - THANKSGIVING WEEK**
- Nov. 30 - 10:00 A.M.** **HEARING** re: Community Facility District No. 2, Annexation No. 14
- Dec. 7 - 5:00 P.M.** Christmas Tree Lighting Ceremony - Mayor Patterson (2nd Floor Foyer)
- Dec. 21 - NO MEETING - CHRISTMAS WEEK**

****ITEMS SUBJECT TO MAYOR’S VETO OR RECONSIDERATION***

Dec. 28 - NO MEETING - NEW YEAR'S WEEK

****ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***